

REMARKS

The Examiner indicates, in the Office Action dated 10/08/2004, that Claims 26-39 are allowed, and that Claims 4-7, 10, 11, 15, 16, 21, 22, 24, 25, 41, 45, 47, 48, 52-54, and 61 contain allowable subject matter. Applicants thank the Examiner for the indication of allowable subject matter.

Claims 41 and 62 have been canceled. Claims 1-40, 42-49, 52, 57-58, 61, 64-65, and 69 have been amended. New dependent Claims 70 and 71 have been added. The amendments to the Claims find support in the application as filed on pages 19-22, and 35, and elsewhere. New Claims 70 and 71 find support in e.g. Claims 6 and 7 as originally filed, and elsewhere. Claims 1-40, 42-59, 61, and 64-71 are now in the application. Reconsideration of the application is respectfully requested in light of the foregoing amendments and the following remarks.

Drawings

The indication of acceptance of the drawings submitted on 12 January 2005 is appreciated.

Rejection of Claims under 35 U.S.C. § 102(b)

Claims 1-3, 8, 9, 12-14, 17-20, 23, 23, 40, 42-44, 46, 49-51, 55-59, 62, and 64-69 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,203,130 to Freelove. Applicants respectfully traverse the rejection. However, in an effort of good faith to move the case to allowance, Applicants herein amend the rejected ones of the independent Claims, as well as the recited ones of the dependent claims, in order to more clearly distinguish the invention over the reference.

Turning now to the rejections, Claim 1 has been amended to recite that the guard includes a shock absorber which overlies first and second outer corners (54, 55) on the jamb assembly, and that the shock absorber transfers forces away from such underlying corners.

No reference of record teaches or suggests a shock absorber which transfers e.g. shock forces away from outer corners. The examiner asserts that the soft resilient plastic of the reference will inherently allow the nose transition sections to flex to provide cushioning or shock absorption. However, there is no teaching in the reference which shows or suggests any force transfer away from underlying outer corners.

By contrast, forces received by guards of the invention are transferred by dispersal, at least in substantial part by rigidity of the guard, away from the locus where the force was received. By so transferring and dispersing the forces, damage to the underlying jamb assembly is reduced, and in many cases is eliminated.

Accordingly, Applicants submit that Claim 1, and all claims dependent therefrom, are allowable over the references of record.

Applicants note for the record that dependent Claims 4, 5, 6, 7, 10, 11, and 15, which the examiner indicated as containing allowable subject matter, have been placed in independent form.

Claim 8 was rejected in view of Frelove. Applicants respectfully traverse the rejection. However, in order to move the case toward allowance, Claim 8 has been placed in independent form and amended to recite that the under-curved cushioning distal end is overlying an outer surface (38) of such outer trim element as in FIGURE 8C, which is quite different from the under-curved structure e.g. 84, 85, referred to in the reference. Accordingly Claim 8 is allowable over the reference. Withdrawal of the rejection, and allowance, of Claim 8 is respectfully requested.

Claim 9 was rejected in view of Frelove. Applicants respectfully traverse the rejection. Claim 9 recites a separate cover tab element 92 (FIGURE 7) adapted to cover an outer face (94) of the trim element. Frelove has no such separate cover tab element. Frelove's element 56 can be asserted as a cover tab, but such cover tab is not a separate element. Rather, cover tab is an integral part of rear section 50. Accordingly, Claim 9 patentably distinguishes over the reference. Withdrawal of the rejection, and allowance, of Claim 9 is respectfully requested.

Claim 14 was rejected in view of Frelove. Applicants respectfully traverse the rejection. Claim 14 recites that the central section comprises a release ridge 114...displaced from an underlying jamb by a distance (D1) greater than a base distance

(D2) by which a remainder of said central section is displaced from such jamb. Freelove shows no displacement, either (D1) or (D2) in the central section. Rather, the guard is in contact with the underlying jamb. Accordingly Claim 14 is allowable over the reference. Withdrawal of the rejection, and allowance, of Claim 14 is respectfully requested.

Rejected Claim 17 has been amended to recite said guard defining a terminal edge thereof which does not extend substantially beyond the door leg section. The guard of the reference does extend substantially beyond the door leg section, whereby Claim 17 is patentable over the reference. Withdrawal of the rejection, and allowance, of Claim 14 is respectfully requested.

Claim 21, indicated as containing allowable subject matter, has been placed in independent form.

Claim 41 was indicated to contain allowable subject matter. The subject matter of Claim 41 has been amended into Claim 40, whereby Claim 40, and all claims dependent therefrom, are allowable. Withdrawal of the rejection, and allowance, of Claim 40, and all claims dependent therefrom, is respectfully requested.

Independent Claim 49 has been amended to recite that the shock absorber transfers forces away from the outer corners (54, 55), thereby to substantially reduce damage to said jamb assembly. No reference effects such force transfer away from structure such as corners (54, 55). Accordingly, Claim 49, and all claims dependent therefrom, are allowable. Withdrawal of the rejection, and allowance, of Claim 49, and all claims dependent therefrom, is respectfully requested.

Independent method Claim 57 has been amended to recite

(a) *installing, on one or more jamb assembly elements, a guard which includes...a shock absorber which extends generally between the underlying outer corners (54, 55), and which transfers forces away from the underlying corners (54, 55); and*

(b) *toward the end of the construction project, removing the jamb assembly guard from the door jamb assembly.*

No reference teaches or suggests such method for protecting a jamb assembly. Accordingly, Claim 57, and all claims dependent therefrom, are allowable over the reference. Withdrawal of the rejection, and allowance, of Claim 57, and all claims dependent therefrom, is respectfully requested.

In addition to the above noted amendments, a number of clarifying amendments, of a more general nature, have been made throughout the claims.

Applicants thus submit that all claims as presented herein are allowable over all references of record. Allowance of all claims is respectfully solicited.

A check in the amount of \$1000 is enclosed to cover the fee of ten additional dependent claims. Should any other fee be properly due, or if any refund is due, kindly charge same, or credit any overpayment, to Deposit Account 23-2130.

Respectfully submitted,
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July 1, 2005

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